

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BATSAIHAN PURVEEGIIN	:	CIVIL ACTION
	:	
v.	:	
	:	
BERKS COUNTY PRISON, et al.	:	NO. 05-cv-2139-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

July 30, 2007

Plaintiff brought various claims against prison officials and employees of the independent medical service provider, challenging the conditions of his detention at Berks County Prison. I granted defendants' motion to dismiss some of the claims and entered summary judgment in favor of the prison defendants. The only remaining claim is that against the medical defendants in connection with their care of plaintiff. Two of these defendants, PrimeCare Medical, Inc., and Dr. Marybeth Jackson, have filed a motion for summary judgment, to which plaintiff has filed a response. The motion will be granted.

Plaintiff claims that defendants did not provide the necessary treatment for his type 2 diabetes, and ignored his repeated complaints of weight gain, urine abnormality, diabetic coma, deteriorating vision, and numbness in the limbs. Defendants have submitted voluminous medical records showing that the medical staff at the prison treated plaintiff on a regular basis, that they prescribed him insulin injections and a diabetic's diets, and that they addressed his complaints. The

records also show that plaintiff refused insulin injections on numerous occasions. Defendant Dr. Jackson further testified in her deposition that plaintiff was also purchasing inappropriate food from the commissary.

For his part, plaintiff points out that a close examination of the extant "doctor's orders to jailer" – forms used by the medical staff to direct the prison kitchen to prepare special-diet meals for the inmates – reveals that four of these forms did not order a diabetic's diet for plaintiff. One of the forms was signed by Dr. Jackson; the other three by medical personnel who are not parties to this action. Plaintiff also notes that defendants have failed to produce any "doctor's orders" for five of the sixteen months plaintiff was detained in Berks County Prison.

Some allowance must be made for imperfect record-keeping. But more importantly, the voluminous treatment records produced by defendants show that Dr. Jackson and other prison medics consistently prescribed a diabetic's diet for plaintiff and investigated his complaints about his diet. Thus, at most, one could conclude that Dr. Jackson was negligent when she failed on one occasion to fill out a "doctor's order" that would direct the kitchen staff to prepare the diabetic's diet prescribed for plaintiff. However, that does not amount to deliberate indifference. Nor has plaintiff produced any evidence that the

other moving defendant, PrimeCare Medical, Inc., may be liable in this action.

An order follows.

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ORDER

AND NOW, this 30<sup>th</sup> day of July 2007, upon consideration of the pending motions by defendants Marybeth Jackson and PrimeCare Medical, Inc., and plaintiff's responses thereto, IT IS ORDERED:

1. The Motion to Remove from Civil Suspense (Dkt. No. 112) is GRANTED, for purposes of ruling on the motion referred to herein.

2. The Motion for Summary Judgment by defendants Marybeth Jackson and PrimeCare Medical, Inc. is GRANTED.

3. Judgment is entered IN FAVOR OF defendants Marybeth Jackson and PrimeCare Medical, Inc. ONLY, and AGAINST plaintiff.

4. The case remains pending, but in suspense, against all other defendants.

BY THE COURT:

/s/ John P. Fullam  
John P. Fullam, Sr. J.